

White & Case LLP
3000 El Camino Real
5 Palo Alto Square, 9th Floor
Palo Alto, California 94306

Tel + 1 650 213 0300
Fax + 1 650 213 8158
www.whitecase.com

Direct Dial + 650-213-0303 bvakil@whitecase.com

October 19, 2012

BY CM/ECF

The Honorable Phyllis J. Hamilton
United States District Court Northern District of California
1301 Clay Street, Courtroom 3 - 3rd Floor
Oakland, CA 94612

Re: *Altis Semiconductor SNC v. Qimonda Licensing LLC, et al.*, Case No.: 12-cv-3227

Dear Judge Hamilton:

Pursuant to this Court's Order Setting a Case Management Conference issued on July 6, 2012, Plaintiff Altis Semiconductor SNC respectfully requests a second continuance of the Case Management Conference which is currently scheduled for November 8, 2012.¹

There are three defendants in this case: Qimonda Licensing LLC, Qimonda AG, and Qimonda North America Corp. On August 15, 2012, Plaintiff served Defendant Qimonda Licensing LLC and on October 18, 2012 Plaintiff served defendant Qimonda North America.

As indicated in Plaintiff's letter to the Court on August 24, Defendant Qimonda AG filed for insolvency in Germany on January 23, 2009 and has, through its bankruptcy administrator Dr. Michael Jaffé, filed a Motion to Enforce and/or Apply the Automatic Stay in the U.S. Bankruptcy Court for the Eastern District of Virginia. *In re QIMONDA AG*, Case No. 09-14766 (RGM) (Dkt. No. 673) (the "Motion"). In that Motion, Qimonda AG argued that (i) all claims against Qimonda AG in this case should be subject to an automatic stay under 11 U.S.C. § 362; and (ii) the automatic stay should be further extended to suspend actions against Qimonda AG's non-debtor affiliate Qimonda Licensing LLC.

Plaintiff opposed the Motion and an oral hearing was held on October 9, 2012 before the Bankruptcy Court for the Eastern District of Virginia. A ruling on the Motion is pending.

¹ On August 28, 2012, this Court granted Plaintiff's request of continuance to move the CMC from September 6, 2012 to November 8, 2012. (Dkt. No. 13).

The Hon. Phyllis J. Hamilton

WHITE & CASE

October 19, 2012

Because of the dispute over the application of the automatic stay, no defendant has yet appeared in this case. Accordingly, pending the Bankruptcy Court's resolution on the issue of automatic stay, good cause exists to reschedule the Case Management Conference to a later date in January 2013.

Dated: October 19, 2012

Respectfully submitted,

WHITE & CASE LLP

By: /s/ Bijal V. Vakil
Bijal V. Vakil

Attorney for Plaintiff
Altis Semiconductor SNC

cc: Clerk of Court (by CM/ECF)

CASE MANAGEMENT CONFERENCE
IS CONTINUED TO 1/31/13 AT 2:00 PM.

